

110TH CONGRESS  
2D SESSION

# S. 3558

To amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Mr. WICKER (for himself and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## A BILL

To amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Gulf of Mexico Res-  
5       toration and Protection Act”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

1           (1) the Gulf of Mexico is a valuable resource of  
2 national and international importance, continuously  
3 serving the people of the United States and other  
4 countries as an important source of food, economic  
5 productivity, recreation, beauty, and enjoyment;

6           (2) over many years, the resource productivity  
7 and water quality of the Gulf of Mexico and its wa-  
8 tershed have been diminished by point and nonpoint  
9 source pollution;

10          (3) the United States should seek to attain the  
11 protection and restoration of the Gulf of Mexico eco-  
12 system as a collaborative regional goal of the Gulf  
13 of Mexico Program; and

14          (4) the Administrator of the Environmental  
15 Protection Agency, in consultation with other Fed-  
16 eral agencies and State and local authorities, should  
17 coordinate the effort to meet those goals.

18 (b) PURPOSES.—The purposes of this Act are—

19          (1) to expand and strengthen cooperative ef-  
20 forts to restore and protect the Gulf of Mexico;

21          (2) to expand Federal support for monitoring,  
22 management, and restoration activities in the Gulf  
23 of Mexico and its watershed;

24          (3) to commit the United States to a com-  
25 prehensive cooperative program to achieve improved

1 water quality in, and improvements in the produc-  
2 tivity of living resources of, the Gulf of Mexico; and  
3 (4) to establish a Gulf of Mexico Program to  
4 serve as a national and international model for the  
5 collaborative management of large marine eco-  
6 systems.

7 **SEC. 3. GULF OF MEXICO RESTORATION AND PROTECTION.**

8 Title I of the Federal Water Pollution Control Act  
9 (33 U.S.C. 1251 et seq.) is amended—

10 (1) by redesignating the second section 121 (33  
11 U.S.C. 1274) (relating to wet weather watershed  
12 pilot projects) as section 122; and

13 (2) by inserting after section 122 (as des-  
14 ignated by paragraph (1)) the following:

15 **“SEC. 123. GULF OF MEXICO RESTORATION AND PROTEC-**  
16 **TION.**

17 “(a) DEFINITIONS.—In this section;

18 “(1) GULF OF MEXICO ECOSYSTEM.—The term  
19 ‘Gulf of Mexico ecosystem’ means the ecosystem of  
20 the Gulf of Mexico and its watershed.

21 “(2) GULF OF MEXICO EXECUTIVE COUNCIL.—  
22 The term ‘Gulf of Mexico Executive Council’ means  
23 the formal collaborative Federal, State, local, and  
24 private participants in the Program.

1           “(3) PROGRAM.—The term ‘Program’ means  
2 the Gulf of Mexico Program established by the Ad-  
3 ministrator in 1988 as a nonregulatory, inclusive  
4 partnership to provide a broad geographic focus on  
5 the primary environmental issues affecting the Gulf  
6 of Mexico.

7           “(4) PROGRAM OFFICE.—The term ‘Program  
8 Office’ means the office established by the Adminis-  
9 trator to administer the Program that is reestab-  
10 lished by subsection (b)(1)(A).

11       “(b) CONTINUATION OF GULF OF MEXICO PRO-  
12 GRAM.—

13           “(1) GULF OF MEXICO PROGRAM OFFICE.—

14           “(A) REESTABLISHMENT.—The Program  
15 Office established before the date of enactment  
16 of this section by the Administrator is reestab-  
17 lished as an office of the Environmental Protec-  
18 tion Agency.

19           “(B) REQUIREMENTS.—The Program Of-  
20 fice shall be—

21           “(i) headed by a Director who, by rea-  
22 son of management experience and tech-  
23 nical expertise relating to the Gulf of Mex-  
24 ico, is highly qualified to direct the devel-  
25 opment of plans and programs on a variety

1 of Gulf of Mexico issues, as determined by  
2 the Administrator; and

3 “(ii) located in a State all or a portion  
4 of the coastline of which is on the Gulf of  
5 Mexico.

6 “(C) FUNCTIONS.—The Program Office  
7 shall—

8 “(i) coordinate the actions of the En-  
9 vironmental Protection Agency with the ac-  
10 tions of the appropriate officials of other  
11 Federal agencies and State and local au-  
12 thorities in developing strategies—

13 “(I) to improve the water quality  
14 and living resources in the Gulf of  
15 Mexico ecosystem; and

16 “(II) to obtain the support of ap-  
17 propriate officials;

18 “(ii) in cooperation with appropriate  
19 Federal, State, and local authorities, assist  
20 in developing and implementing specific ac-  
21 tion plans to carry out the Program;

22 “(iii) coordinate and implement pri-  
23 ority State-led and community-led restora-  
24 tion plans and projects and facilitate  
25 science, research, modeling, monitoring,

1 data collection, and other activities that  
2 support the Program;

3 “(iv) implement outreach programs  
4 for public information, education, and par-  
5 ticipation to foster stewardship of the re-  
6 sources of the Gulf of Mexico;

7 “(v) develop and make available,  
8 through publications, technical assistance,  
9 and other appropriate means, information  
10 pertaining to the environmental quality  
11 and living resources of the Gulf of Mexico  
12 ecosystem;

13 “(vi) serve as the liaison with, and  
14 provide information to, the Mexican mem-  
15 bers of the Gulf of Mexico States Accord  
16 and Mexican counterparts of the Environ-  
17 mental Protection Agency; and

18 “(vii) focus the efforts and resources  
19 of the Program Office on activities that  
20 will result in measurable improvements to  
21 water quality and living resources of the  
22 Gulf of Mexico ecosystem.

23 “(c) INTERAGENCY AGREEMENTS.—The Adminis-  
24 trator may enter into 1 or more interagency agreements  
25 with other Federal agencies to carry out this section.

1 “(d) GRANTS.—

2 “(1) IN GENERAL.—In accordance with the  
3 Program, the Administrator may provide grants to  
4 nonprofit organizations, State and local govern-  
5 ments, colleges, universities, interstate agencies, and  
6 individuals to carry out this section for use in—

7 “(A) monitoring the water quality and liv-  
8 ing resources of the Gulf of Mexico ecosystem;

9 “(B) researching the effects of natural and  
10 human-induced environmental changes on the  
11 water quality and living resources of the Gulf of  
12 Mexico ecosystem;

13 “(C) developing and executing cooperative  
14 strategies that address the water quality and  
15 living resource needs in the Gulf of Mexico eco-  
16 system;

17 “(D) developing and implementing locally-  
18 based protection and restoration programs or  
19 projects within a watershed that complement  
20 those strategies, including the creation, restora-  
21 tion, protection, or enhancement of habitat as-  
22 sociated with the Gulf of Mexico ecosystem; and

23 “(E) eliminating or reducing point sources  
24 that discharge pollutants that contaminate the  
25 Gulf of Mexico ecosystem, including activities to

1           eliminate leaking septic systems and construct  
2           connections to local sewage systems.

3           “(2) FEDERAL SHARE.—The Federal share of  
4           the cost of any project or activity carried out using  
5           a grant provided under this section shall not exceed  
6           75 percent, as determined by the Administrator.

7           “(3) ADMINISTRATIVE COSTS.—Administrative  
8           costs in the form of salaries, overhead, or indirect  
9           costs for services provided and charged against pro-  
10          grams or projects carried out using funds made  
11          available through a grant under this subsection shall  
12          not exceed 15 percent of the amount of the grant.

13          “(e) REPORTS.—

14                 “(1) ANNUAL REPORT.—Not later than Decem-  
15                 ber 30, 2009, and annually thereafter, the Director  
16                 of the Program Office shall submit to the Adminis-  
17                 trator and make available to the public a report that  
18                 describes—

19                         “(A) each project and activity funded  
20                         under this section during the previous fiscal  
21                         year;

22                         “(B) the goals and objectives of those  
23                         projects and activities; and

1           “(C) the net benefits of projects and activi-  
2 ties funded under this section during previous  
3 fiscal years.

4           “(2) ASSESSMENT.—

5           “(A) IN GENERAL.—Not later than April  
6 30, 2010, and every 5 years thereafter, the Ad-  
7 ministrator, in coordination with the Gulf of  
8 Mexico Executive Council, shall complete an as-  
9 sessment, and submit to Congress a comprehen-  
10 sive report on the performance, of the Program.

11           “(B) REQUIREMENTS.—The assessment  
12 and report described in subparagraph (A)  
13 shall—

14           “(i) assess the overall state of the  
15 Gulf of Mexico ecosystem;

16           “(ii) compare the current state of the  
17 Gulf of Mexico ecosystem with a baseline  
18 assessment;

19           “(iii) include specific measures to as-  
20 sess any improvements in water quality  
21 and living resources of the Gulf of Mexico  
22 ecosystem;

23           “(iv) assess the effectiveness of the  
24 Program management strategies being im-  
25 plemented, and the extent to which the pri-

1 ority needs of the region are being met  
2 through that implementation; and

3 “(v) make recommendations for the  
4 improved management of the Program, in-  
5 cluding strengthening strategies being im-  
6 plemented or adopting improved strategies.

7 “(f) BUDGET ITEM.—The Administrator, in the an-  
8 nual submission to Congress of the budget of the Environ-  
9 mental Protection Agency, shall include a funding line  
10 item request for the Program Office as a separate budget  
11 line item.

12 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to carry out this section,  
14 to remain available until expended—

15 “(1) \$10,000,000 for fiscal year 2009;

16 “(2) \$15,000,000 for fiscal year 2010; and

17 “(3) \$25,000,000 for each of fiscal years 2011  
18 through 2013.”.

○